

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

TERRY BLAINE HILDRETH,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO.4:06-CV-738-Y
	§	
NATHANIEL QUARTERMAN, Director,	§	
T.D.C.J., Correctional	§	
Institutions Division,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Terry Blaine Hildreth under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on March 30, 2007; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on April 18, 2007.

The Court, after de novo review, concludes that the Petitioner's objections must be overruled, and that the claims in the petition for writ of habeas corpus should be dismissed, in part, and denied, in part, for the reasons stated in the magistrate judge's findings and conclusions.


Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED, except as modified herein.¹

¹The Court of Appeals for the Fifth Circuit has now determined that Texas's post September 1, 1996, mandatory supervision scheme creates a constitutional expectation of early release entitled to due process protection. *Teague v. Quarterman*, 2007 WL 841600, at *5-6 (5th Cir. March 21, 2007)(mandate not yet issued). The record reflects that Hildreth received notice of his review, had an opportunity to be heard before the review, and received a written explanation of the reasons for the denial of his release. *Ex parte Hildreth*, No. WR-65,563-02 at 63, 65; 131-32.) Thus, Hildreth was afforded all that federal due process requires. See *Huddleston v. Quarterman*, No.H-06-2885, 2006 WL 2844158, at *2 (S.D.Tex. Sep. 29, 2006); *Gilbert v. Dretke*, No. 3:02-CV-1792-L, 2004 WL 1809741, at *4 (N.D.Tex. Aug. 12, 2004), *report and recommendation adopted*, 2004 WL

Petitioner Terry Blaine Hildreth's petition for writ of habeas corpus grounds for relief one through three are DISMISSED WITH PREJUDICE.

Petitioner Hildreth's grounds for relief four through six are DENIED.

SIGNED April 24, 2007.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE